

CHAPTER 872

Real Estate Tax Relief for Elderly or Totally and Permanently Disabled

EDITOR'S NOTE: Unless otherwise indicated, this chapter was enacted on November 21, 1972, and was amended on October 21, 1975, June 6, 1977, July 17, 1978, August 7, 1979, and November 19, 1991.

872.01	Definitions.	872.06	Amount of exemption.
872.02	Exemption authorized; effective date.	872.07	Proration.
872.03	Administration of exemption.	872.08	Changes in status.
872.04	Requirements for exemption.	872.09	False claims.
872.05	Claiming an exemption.	872.99	Penalty.

CROSS REFERENCES

Exemptions for elderly and handicapped - see Code of Va. § 58.1-3210 et seq.

Agricultural, Horticultural, Forest or Newly Annexed Real Estate Tax - see B.R. & T. Ch. 848

Personal Property and Real Estate Tax - see B.R. & T. Ch. 860

Exemptions and refunds generally - see B.R. & T. Ch. 864

Exemption for certified solar energy equipment - see B.R. & T. Ch. 868

Personal property tax relief for elderly or totally and permanently disabled - see B.R. & T. Ch. 873

872.01 DEFINITIONS.

As used in this chapter:

- (a) "Affidavit" means the Real Estate Tax Exemption Affidavit.
- (b) "County" means Loudoun County, Virginia.
- (c) "County Board" means the Board of Supervisors of the County.
- (d) "Commissioner of the Revenue" means the Commissioner of the Revenue of the County or any of his duly authorized deputies or agents.
- (e) "Dwelling" means the sole full-time residence owned and occupied by the person or persons claiming exemption, and includes a manufactured home used as the sole full-time residence owned and occupied by the person(s) claiming an exemption hereunder.
- (f) "Exemption" means exemption from the County Real Estate Tax according to the provisions of this chapter.

- (g) "Manufactured Home" means a structure subject to federal regulation which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.
- (h) "Net worth" means the amount by which assets (including the present value of all equitable interests) exceed liabilities.
- (i) "Person" means a natural person.
- (j) "Permanently and totally disabled" means a person who has been certified by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, by a sworn affidavit by two medical doctors who either are licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, and, in addition, who has been found by the Commissioner of the Revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.
- (k) "Property" means real property.
- (l) "Taxable year" means the calendar year, from January 1 until December 31, for which exemption is claimed.
(Ord. 98-12. Passed 11-4-98; Ord. 01-09. Passed 9-17-01.)

872.02 EXEMPTION AUTHORIZED; EFFECTIVE DATE.

(a) Real estate tax exemption is provided for qualified property owners who are not less than sixty-five years of age or who are permanently and totally disabled and who are eligible according to the provisions of this chapter. Persons qualifying for exemption are deemed to be bearing an extraordinary real estate tax burden in relation to their income and financial worth.

(b) The effective date of this chapter shall be January 1, 1973.
(Ord. 01-09. Passed 9-17-01.)

872.03 ADMINISTRATION OF EXEMPTION.

The exemption shall be administered by the Commissioner of the Revenue according to the provisions of this chapter. The Commissioner is hereby authorized to make an inquiry of persons seeking such exemption in conformity with the provisions of this chapter, including the requiring of answers under oath, as may be reasonably necessary to determine qualifications for exemption as specified by this chapter. The Commissioner may require the production of certified income tax returns, appraisal reports and any other pertinent documents to establish income and/or financial worth.

(Ord. 01-09. Passed 9-17-01.)

872.04 REQUIREMENTS FOR EXEMPTION.

An exemption shall be granted subject to the following provisions:

- (a) The title of the dwelling for which an exemption is claimed is held, or partially held, on January 1 of the taxable year, by the person or persons claiming the exemption.
- (b) Such property shall be occupied as the sole dwelling of one of the persons owning title, or partial title, thereto who is (i) sixty-five years of age or older, or (ii) who is permanently and totally disabled on December 31 of the year immediately preceding the taxable year.
- (c) The gross combined income of the owner or owners during the year immediately preceding the taxable year did not exceed seventy-two thousand dollars (\$72,000), provided that the first seven thousand, five hundred dollars (\$7,500) of income received by an owner during the year immediately preceding the taxable year as compensation for permanent disability shall not be included in such total. Gross combined income includes all income from all sources of the owner or owners and of the owners' relatives living in the dwelling for which the exemption is claimed, including (by way of example and not limitation) interest income, dividend income and distributions from trusts, provided that the first ten thousand dollars (\$10,000) of income of each relative, other than the spouse, of the owner or owners, who is living in the dwelling, shall not be included in such total.
- (d) The total combined net financial worth of the owner or owners as of December 31 of the year immediately preceding the taxable year did not exceed three hundred forty thousand dollars (\$340,000). Total net financial worth shall include the value of all assets, including the present value of all equitable interests of the owner or owners and the owner's spouse, and shall exclude the fair market value of the dwelling. In addition, the value of the parcel of land upon which the dwelling is situated, up to a maximum of 10 acres, shall also be excluded.

(Ord. 98-12. Passed 11-4-98; Ord. 01-09. Passed 9-7-01; Ord. 04-16. Passed 12-14-04.)

872.05 CLAIMING AN EXEMPTION.

(a) The person or persons claiming an exemption must file an Application for Real Estate Tax Exemption and Affidavit with the Commissioner of the Revenue, on forms supplied by the Commissioner, on or before April 1 of the tax year for which relief is sought. Those applying for an exemption for the first time must file on or before December 31 of the tax year for which relief is sought. Every third year from the date of the original Application, the person or persons claiming an exemption must file a new Application and Affidavit with the Commissioner. For the two years following the date of the original Application and all subsequent Applications, the person or persons claiming an exemption must file a Certification, on forms supplied by the Commissioner, stating their combined gross income and the total combined net worth of the owners and spouses. The Commissioner shall have the discretion to permit applicants to file after these deadlines in cases of genuine hardship.

(b) The Affidavit shall set forth, in a manner prescribed by the Commissioner, the names of the related persons occupying the dwelling for which the exemption is claimed, their gross combined income and the total combined net worth of the owners and spouses.

(c) If, after audit and investigation, the Commissioner determines that the person or persons are qualified for an exemption, he shall so certify to the County Treasurer who shall deduct the amount of the exemption from the claimant's real estate tax liability.
(Ord. 91-11. Passed 6-4-91; Ord. 01-09. Passed 9-17-01; Ord. 04-16. Passed 12-14-04.)

872.06 AMOUNT OF EXEMPTION.

The person or persons qualifying for and claiming an exemption shall be relieved of liability for the real estate tax levied on the qualifying dwelling and the land on which it is situated as set forth below.

<u>Annual Household Income</u> (net of exclusions)	<u>Amount of Exemption</u>	<u>Extent of Exemption</u>
Up to \$62,000	100%	Dwelling and the land on which it is situated, not to exceed 3 acres
Between \$62,000 and \$72,000	100%	Dwelling and the land on which it is situated, not to exceed 3 acres
Over \$72,000	0%	None

However, for all tax years 1981 through 1988 the amount of the owner's real estate taxes relieved shall not exceed seven hundred dollars (\$700.00).
(Ord. 89-10. Passed 9-19-89; Ord. 01-09. Passed 9-17-01; Ord. 04-16. Passed 12-14-04.)

872.07 PRORATION.

If the qualifying property is sold, ceases to be the primary residence of the qualifying owner, or if the last qualifying owner dies during the taxable year, the exemption shall be pro-rated for that portion of the taxable year prior to the date on which the property was sold or ceased to be the qualifying owner's primary residence, or the date of death of the last qualifying owner. Such proration shall be based upon the number of complete months of the year that such property was properly eligible for the relief granted by this chapter.
(Ord. 01-09. Passed 9-17-01; Ord. 4-16. Passed 12-14-04.)

872.08 CHANGES IN STATUS.

(a) The primary residence owned by a person otherwise qualified for exemption under this chapter who is not actually occupying the same while a patient in a hospital, nursing home, convalescent home or other facility for physical or mental care for an extended period of time, not intended to be permanent, shall continue to be deemed such qualifying owner's dwelling; provided, however, that such residence is not used by or leased to others for consideration.

(b) Except as provided in Section 872.08(a), above, changes with respect to income, financial worth, ownership of property, medical status or other factors occurring during the taxable year for which the Affidavit is filed, and having the effect of exceeding or violating the limitations and conditions provided in this chapter, shall nullify any relief of real estate tax liability for the then current taxable year and the taxable year immediately following.

(Ord. 04-16. Passed 12-14-04.)

872.09 FALSE CLAIMS.

No person shall intentionally make a false claim for an exemption.

(Ord. 01-09. Passed 9-17-01.)

872.99 PENALTY.

In addition to any other penalties provided by law, any person who intentionally makes a false claim for an exemption shall not be entitled to the exemption from taxation, if granted, but shall be liable for the full amount of tax due. In addition, such person shall be disqualified from re-applying for an exemption for a period of two years.

(Ord. 01-09. Passed 9-17-01.)

